

AN ACT  
REQUIRING BACKGROUND CHECKS FOR SCHOOL BUS DRIVERS AND MAKING  
PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 235A.15, subsection 2, paragraph e, Code Supplement 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (22) To the employer or prospective employer of a school bus driver for purposes of an employment record check.

Sec. 2. Section 235B.6, subsection 2, paragraph e, Code Supplement 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (18) To the employer or prospective employer of a school bus driver for purposes of an employment record check.

Sec. 3. Section 321.375, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Prior to hiring an applicant for a school bus driver position, including a contract position, an employer shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. An employer shall follow the same procedure every five years upon the renewal of an employee's or contract employee's school bus driver's license issued by the department

of transportation valid for the operation of a school bus. An employer shall pay for the cost of the registry checks conducted pursuant to this subsection. An employer shall maintain documentation demonstrating compliance with this subsection.

Sec. 4. Section 321.375, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0e.* The school bus driver is listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5. A termination hearing conducted pursuant to this paragraph shall be limited to the question of whether the school bus driver was incorrectly listed in the registry.

Sec. 5. Section 321.376, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and a certificate of qualification for operation of a commercial motor vehicle issued by a physician or osteopathic physician licensed pursuant to chapter 148, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations, and shall successfully complete an approved course of instruction in accordance with subsection 2. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus.

1A. The department of education shall refuse to issue an authorization to operate a school bus to any person who, after notice and opportunity for hearing, is determined to have ~~committed any of the acts proscribed~~ met any of the grounds listed under section 321.375, subsection 2. The department of education shall take adverse action against any person who, after notice and opportunity for hearing, is determined to have ~~committed any of the acts proscribed~~ met any of the grounds listed under section 321.375, subsection 2. Such action may include a reprimand or warning of the person or the suspension or revocation of the person's authorization to operate a school bus. A hearing pursuant to section 321.375, subsection 2, paragraph "0e", shall be limited to the question of whether the person was incorrectly listed in the registry. The department

of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for issuing and suspending or revoking authorization to operate a school bus in this state. Rules and procedures adopted shall include but are not limited to provisions for the revocation or suspension of, or refusal to issue, authorization to persons who are determined to have ~~committed any of the acts proscribed~~ met any of the grounds listed under section 321.375, subsection 2.

Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

---

JOHN P. KIBBIE  
President of the Senate

---

KRAIG PAULSEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2221, Eighty-fourth General Assembly.

---

MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2012

---

TERRY E. BRANSTAD  
Governor